Lois Grady et al v. Menu Foods Income Fund et al Doc. 25

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

LOIS GRADY, KAYE STEINSAPIR, etc., Plaintiffs, vs. MENU FOODS INCOME FUND, et al., Defendants.	CASE NO. CV 07-2253-GHK (AJWx) ~~[PROPOSED]~~ **ORDER STAYING ALL PROCEEDINGS AND FOR PRESERVATION OF EVIDENCE** Date: June 11, 2007 Time: 10:00 a.m. Ctrm: 650 Judge: Hon. George H. King

NOTE CHANGES MADE BY THE COURT.

On 5/22 ~~June 11~~, 2007, defendants, MENU FOODS INCOME FUND, MENU FOODS, INC., MENU FOODS LIMITED, MENU FOODS OPERATING LIMITED PARTNERSHIP, and MENU FOODS MIDWEST CORP.'s Motion to Stay All Proceedings came on regularly for hearing before the Honorable George H. King, Judge presiding in the above-entitled action.

Having considered the motion, the papers filed in support thereof and in opposition thereto, all relevant authorities, ~~the oral argument of counsel,~~ and the case file, the Court hereby,

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IT IS ORDERED AND ADJUDGED that this matter, including the deadlines for the parties to participate in class certification and other pretrial proceedings, be stayed pending th~~e establishment of *In re: Pet Food Products Liability Litigation*,~~ MDL Docket No. ~~1850, and the potential subsequent transfer of this case for coordinated pretrial proceedings with other actions pending throughout the country.~~ decision by the Panel on Multi-District Litigation on the pending motions to transfer & coordinate/consolidate pending actions. Counsel shall file a joint status report w/in 48 hrs of such decision by the MDL Panel or w/in 30 days hereof, whichever is sooner. K

IT IS FURTHER ORDERED that all parties shall, during the pendency of the stay of this matter, comply with their duty to preserve all evidence that may be relevant to this action. This duty extends to documents, electronic data, and tangible things in the possession, custody and control of the parties to this action, and any employees, agents, contractors, or carriers who possess materials reasonably anticipated to be the subject of discovery in this action. "Preservation" is to be interpreted broadly to accomplish the goal of maintaining the integrity of all documents, data and tangible things reasonably anticipated to be the subject of discovery under Federal Rules of Civil Procedure 26, 45 and 56(e) in this action. Preservation includes taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of such material, as well as negligent or intentional handling that would make material incomplete or inaccessible. If the business practices of any party involve the routine destruction, recycling, relocation, or mutation of materials, the party must, to the extent practicable for the pendency of this order, either:

i) halt such business practices;

ii) sequester or remove such material from the business process; or

iii) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

Dated: 5/22/07

THE HONORABLE GEORGE H. KING
UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 South Grand Avenue, 9th Floor, Los Angeles, California 90017-4613.

On May 11, 2007, I served true copies of the following document described as **[PROPOSED] ORDER STAYING ALL PROCEEDINGS AND FOR PRESERVATION OF EVIDENCE** on the interested parties in this action as follows:

BY MAIL: I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Murchison & Cumming's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 11, 2007, at Los Angeles, California.

MARJORIE K. DE JOHNETTE

SERVICE LIST

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Brian S. Inamine, Esq. WRIGHT, ROBINSON, OSTHIMER & TATUM 888 South Figueroa Street, Suite 1800 Los Angeles, CA 90017-5455 Tele: (213) 488-0503 Fax: (213) 624-3755	Defendant, Nutro Products, Inc.
Charles H. Horn, Esq. WRIGHT, ROBINSON, OSTHIMER & TATUM 44 Montgomery Street, 18th Floor San Francisco, CA 94104-4605 Tele: (415) 391-7111 Fax: (415) 391-8766	Defendant, Nutro Products, Inc
Charles H. Abbott, Esq. Gary L. Justice, Esq. William E. Wegner, Esq. GIBSON, DUNN & CRUTCHER 333 South Grand Avenue, 45th Floor Los Angeles, CA 90071-3197 Tele: (213) 229-7000	Defendant, Nutro Products, Inc.
Barbara L.Crouch, Esq. Pillsbury Winthrop Shaw Pittman, LLP 725 South Figueroa Street, Suite 2800 Los Angeles, CA 90017 Tele: (213) 488-7100 Fax: (213) 629-1033	Defendant, Petco Animal Supplies, Inc.

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